

1 KAMALA D. HARRIS
Attorney General of California
2 ARMANDO ZAMBRANO
Supervising Deputy Attorney General
3 NANCY A. KAISER
Deputy Attorney General
4 State Bar No. 192083
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-5794
6 Facsimile: (213) 897-2804
Attorneys for Complainant
7

8 **BEFORE THE**
BOARD OF PHARMACY
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 5321

12 **THE DRUGGIST, INC.,**
13 **JOEL ABERGEL, OWNER**
27867 Smyth Drive
14 Valencia, CA 91355

A C C U S A T I O N

15 Pharmacy Permit No. PHY 50146,
16 and

17 **JOEL ABERGEL AKA JOELLE**
18 **ABERGEL**
23905 Lakeside Road
19 Santa Clarita, CA 91355

20 **Pharmacist License No. RPH 41192**

21 Respondents.
22

23 Complainant alleges:

24 **PARTIES**

25 1. Virginia Herold ("Complainant") brings this Accusation solely in her official capacity
26 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.

27 2. On or about June 10, 2010, the Board of Pharmacy issued Pharmacy Permit Number
28 PHY 50146 to The Druggist Inc. to do business as The Druggist Inc. ("Respondent Pharmacy").

1 Joel Abergel has been the owner, President, and Pharmacist-in-Charge of Respondent Pharmacy
2 since June 10, 2010. The Pharmacy Permit was in full force and effect at all times relevant to the
3 charges brought herein and will expire on June 1, 2016, unless renewed.

4 3. On or about September 26, 1987, the Board of Pharmacy issued Pharmacist License
5 Number RPH 41192 to Joel Abergel aka Joelle Abergel ("Respondent Abergel"). The Pharmacist
6 License was in full force and effect at all times relevant to the charges brought herein and will
7 expire on April 30, 2017, unless renewed.

8 JURISDICTION

9 4. This Accusation is brought before the Board of Pharmacy ("Board"), Department of
10 Consumer Affairs, under the authority of the following laws. All section references are to the
11 Business and Professions Code unless otherwise indicated.

12 5. Section 4300.1 of the Code states:

13 "The expiration, cancellation, forfeiture, or suspension of a board-issued license by
14 operation of law or by order or decision of the board or a court of law, the placement of a license
15 on a retired status, or the voluntary surrender of a license by a licensee shall not deprive the board
16 of jurisdiction to commence or proceed with any investigation of, or action or disciplinary
17 proceeding against, the licensee or to render a decision suspending or revoking the license."

18 6. Section 4300 of the Code states, in pertinent part:

19 "(a) Every license issued may be suspended or revoked.

20 "(b) The board shall discipline the holder of any license issued by the board, whose default
21 has been entered or whose case has been heard by the board and found guilty, by any of the
22 following methods:

23 "(1) Suspending judgment.

24 "(2) Placing him or her upon probation.

25 "(3) Suspending his or her right to practice for a period not exceeding one year.

26 "(4) Revoking his or her license.

27 "(5) Taking any other action in relation to disciplining him or her as the board in its
28 discretion may deem proper.

1

2 "(e) The proceedings under this article shall be conducted in accordance with Chapter 5

3 (commencing with Section 11500) of Part 1 of Division 3 of the Government Code, and the board

4 shall have all the powers granted therein. The action shall be final, except that the propriety of the

5 action is subject to review by the superior court pursuant to Section 1094.5 of the Code of Civil

6 Procedure."

7 STATUTES AND REGULATIONS

8 7. Section 4081, subdivision (a) of the Code states:

9 "(a) All records of manufacture and of sale, acquisition, receipt, shipment, or disposition of

10 dangerous drugs or dangerous devices shall be at all times during business hours open to

11 inspection by authorized officers of the law, and shall be preserved for at least three years from

12 the date of making. A current inventory shall be kept by every manufacturer, wholesaler, third-

13 party logistics provider, pharmacy, veterinary food-animal drug retailer, physician, dentist,

14 podiatrist, veterinarian, laboratory, clinic, hospital, institution, or establishment holding a

15 currently valid and unrevoked certificate, license, permit, registration, or exemption under

16 Division 2 (commencing with Section 1200) of the Health and Safety Code or under Part 4

17 (commencing with Section 16000) of Division 9 of the Welfare and Institutions Code who

18 maintains a stock of dangerous drugs or dangerous devices."

19 8. Section 4301 of the Code states, in pertinent part:

20 "The board shall take action against any holder of a license who is guilty of unprofessional

21 conduct or whose license has been procured by fraud or misrepresentation or issued by mistake.

22 Unprofessional conduct shall include, but is not limited to, any of the following:

23

24 "(j) The violation of any of the statutes of this state, or any other state, or of the United

25 States regulating controlled substances and dangerous drugs.

26

27 "(o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the

28 violation of or conspiring to violate any provision or term of this chapter or of the applicable

1 federal and state laws and regulations governing pharmacy, including regulations established by
2 the board or by any other state or federal regulatory agency. "

3 9. Section 4307, subdivision (a), of the Code states, in pertinent part:

4 "Any person who has been denied a license or whose license has been revoked or is under
5 suspension, or who has failed to renew his or her license while it was under suspension, or who
6 has been a manager, administrator, owner member, officer, director, associate, or partner of any
7 partnership, corporation, firm, or association whose application for a license has been denied or
8 revoked, is under suspension or has been placed on probation, and while acting as the manager,
9 administrator, owner, member, officer, director, associate, or partner had knowledge or knowingly
10 participated in any conduct for which the license was denied, revoked, suspended, or placed on
11 probation, shall be prohibited from serving as a manger, administrator, owner, member, officer,
12 director, associate, or partner of a licensee as follows:

13 (1) Where a probationary license is issued or where an existing license is placed on
14 probation, this prohibition shall remain in effect for a period not to exceed five years.

15 (2) Where the license is denied or revoked, the prohibition shall continue until the license is
16 issued or reinstated."

17 10. Health and Safety Code section 11153 states, in pertinent part:

18 "(a) A prescription for a controlled substance shall only be issued for a legitimate medical
19 purpose by an individual practitioner acting in the usual course of his or her professional practice.
20 The responsibility for the proper prescribing and dispensing of controlled substances is upon the
21 prescribing practitioner, but a corresponding responsibility rests with the pharmacist who fills the
22 prescription. Except as authorized by this division, the following are not legal prescriptions: (1)
23 an order purporting to be a prescription which is issued not in the usual course of professional
24 treatment or in legitimate and authorized research; or (2) an order for an addict or habitual user of
25 controlled substances, which is issued not in the course of professional treatment or as part of an
26 authorized narcotic treatment program, for the purpose of providing the user with controlled
27 substances, sufficient to keep him or her comfortable by maintaining customary use."
28

1 11. California Code of Regulations, title 16, section 1715.6 states, "[t]he owner shall
2 report to the Board within thirty (30) days of discovery of any loss of the controlled substances,
3 including their amounts and strengths."

4 12. California Code of Regulations, title 16, section 1718 states:

5 "Current Inventory' as used in Sections 4081 and 4332 of the Business and Professions
6 Code shall be considered to include complete accountability for all dangerous drugs handled by
7 every licensee enumerated in Sections 4081 and 4332.

8 "The controlled substances inventories required by Title 21, CFR, Section 1304 shall be
9 available for inspection upon request for at least 3 years after the date of the inventory."

10 13. California Code of Regulations, title 16, section 1761 states:

11 "(a) No pharmacist shall compound or dispense any prescription which contains any
12 significant error, omission, irregularity, uncertainty, ambiguity or alteration. Upon receipt of any
13 such prescription, the pharmacist shall contact the prescriber to obtain the information needed to
14 validate the prescription.

15 "(b) Even after conferring with the prescriber, a pharmacist shall not compound or dispense
16 a controlled substance prescription where the pharmacist knows or has objective reason to know
17 that said prescription was not issued for a legitimate medical purpose."

18 14. Code of Federal Regulations, title 21, section 1304.04, subdivision (h), states in
19 pertinent part:

20 "(h) Each registered pharmacy shall maintain the inventories and records of controlled
21 substances as follows:

22 "(1) Inventories and records of all controlled substances listed in Schedule I and II
23 shall be maintained separately from all other records of the pharmacy.

24 "(2) Paper prescriptions for Schedule II controlled substances shall be maintained at
25 the registered location in a separate prescription file.

26 "(3) Inventories and records of Schedules III, IV, and V controlled substances shall be
27 maintained either separately from all other records of the pharmacy or in such form that the
28 information required is readily retrievable from ordinary business records of the pharmacy."

CONTROLLED SUBSTANCES/DANGEROUS DRUGS

15. Hydromorphone, the generic name for Dilaudid, is a Schedule II controlled substance pursuant to Health and Safety Code section 11055, subdivision (b)(1)(J) and is a dangerous drug pursuant to Code section 4022.

16. Hydrocodone and acetaminophen ("hydrocodone/apap"), the generic name for Norco and Lortab, is a Schedule III controlled substance pursuant to Health and Safety Code section 11056, subdivision (e)(4) and is a dangerous drug pursuant to Code section 4022. As of October 6, 2014, hydrocodone/apap became a Schedule II controlled substance pursuant to United States Code, title 21, section 812.

17. Oxycodone, the generic name for Oxycontin, is a Schedule II controlled substance pursuant to Health and Safety Code section 11055, subdivision (b)(1)(M) and is a dangerous drug pursuant to Code section 4022.

18. Oxycodone and acetaminophen, the generic name for Percocet and Endocet, is a Schedule II controlled substance pursuant to Health and Safety Code section 11055, subdivision (b)(1)(M), and is a dangerous drug pursuant to Code section 4022.

COST RECOVERY

19. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case, with failure of the licentiate to comply subjecting the license to not being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be included in a stipulated settlement.

BACKGROUND FACTS

20. Following receipt of an article alleging suspicious activity at a pharmacy in the 27800 block of Smyth Drive in Valencia, CA, on or about December 2012, two Board Inspectors conducted a routine inspection of Respondent Pharmacy.

21. A Board Inspector examined the Schedule II prescription files and noticed that a large number of prescriptions, particularly oxycodone 30 mg, Percocet/Endocet 10/325, and Dilaudid

1 4mg were from out-of-the-area patients and were mainly from the same 7 doctors (Drs. Arnold,
2 Charlap, Onubah, Garfinkel, Lifson, Salari, and Shamlou), who were themselves out-of-the-area.
3 When questioned, Respondent Abergel stated that some of the prescriptions were delivered by
4 "drivers," and he did not have identification from the "drivers."

5 22. A Board Inspector inquired whether Respondent Pharmacy had experienced any thefts
6 or losses. Respondent Abergel provided the Board Inspector with a "Report of Theft or Loss of
7 Controlled Substances" (DEA Form 106). Respondent Abergel acknowledged that he had not
8 reported the loss to the Board.

9 23. A Board Inspector also gathered documents from Respondent Pharmacy for the time
10 period July 8, 2010 to December 18, 2012, including invoices from wholesalers for the brand and
11 generic forms of Dilaudid 4 mg, Oxycontin 30 mg, and Percocet 10/32, drug utilization reports for
12 those same drugs, and controlled substance daily logs.

13 **FIRST CAUSE FOR DISCIPLINE**

14 **(Filling Erroneous Prescriptions and Failure to Assume** 15 **Co-Responsibility in Legitimacy of Prescriptions)**

16 24. Respondent Pharmacy and Respondent Abergel (collectively "Respondents") are
17 subject to disciplinary action under Code section 4301, subdivision (j), in conjunction with Health
18 and Safety Code section 11153, subdivision (a), and Code section 4301, subdivision (o), in
19 conjunction with California Code of Regulations, title 16, section 1761, on the grounds of
20 unprofessional conduct in that in between 2011 and 2012, Respondents failed to assume their
21 corresponding responsibility by dispensing controlled substances to habitual doctor and pharmacy
22 shoppers, by failing to validate the legitimacy of prescriptions, by failing to review patients' drug
23 history, and by dispensing erroneous and/or uncertain prescriptions. The circumstances are as
24 follows:

25 25. Patient R.A. #1: Between May 2012 and October 2012, Respondents dispensed 6
26 prescriptions for oxycodone 30 mg to R.A. #1 from West Hollywood. The Patient Activity
27 Report ("PAR") showed that R.A. #1 had obtained prescriptions for oxycodone 30 mg from 8
28 different doctors (ranging from Northridge, Panorama City, and Corona) and 7 different

1 pharmacies (ranging from Victorville, Visalia, and Santa Ana) between June 2011 and October
2 2012.

3 26. Patient R.A. #2: Between March 2012 and July 2012, Respondents dispensed
4 prescriptions for oxycodone 30 mg to Patient R.A. # 2 written by 4 different doctors from
5 Woodland Hills, Panorama City, and Corona.

6 27. Patient A.C.: The PAR showed that A.C. had obtained prescriptions for oxycodone 30
7 mg from 3 doctors (ranging from Northridge to Inglewood) and 3 pharmacies (ranging from
8 Victorville, Westminster, and Valencia) between May 2011 and April 2012.

9 28. Patient D.G.: The PAR showed that D.G., from Long Beach, obtained prescriptions
10 for oxycodone 30 mg and hydrocodone/apap 5/500 and 7.5/750 from 9 doctors and 7 pharmacies
11 (ranging from Huntington Park, Ontario, and Rancho Palos Verdes) between July 2009 and
12 September 2012.

13 29. Patient S.H.: The PAR showed that S.H., from Los Angeles, obtained prescriptions
14 for oxycodone 30 mg from 8 doctors (ranging from Inglewood, Northridge, and Panorama City)
15 and 7 pharmacies (ranging from Alhambra, Westminster, Huntington Beach, and Ridgecrest)
16 between February 2011 and August 2012.

17 30. Patient H.L.: On December 1, 2011, Respondents dispensed RX #60232 from Dr.
18 Cho for 120 tablets of oxycodone 30 mg. On December 20, 2011, Respondent dispensed RX
19 #60925 from Dr. Arnold for 180 tablets of oxycodone 30 mg, which was 11 days early. The PAR
20 showed that H.L., from Lancaster, obtained prescriptions for oxycodone 30 mg and
21 hydrocodone/apap 10/325 and 5/500 from 9 doctors (ranging from Inglewood, Beverly Hills, San
22 Diego, and Corona) and 10 pharmacies (ranging from Inglewood and Ridgecrest) between
23 December 2010 and August 2012.

24 31. Patient A.J.: Between March 2012 and June 2012, Respondents dispensed 4
25 prescriptions of oxycodone 30 mg to A.J. from 3 different doctors. During this time period, A.J.
26 obtained prescriptions for oxycodone 30 mg from 3 other pharmacies ranging from Long Beach to
27 Gardena.

28

1 32. Patient B.M.: The PAR showed that B.M. had RX #541123 from Dr. Arnold for 180
2 tablets of oxycodone 30 mg (30 days supply) filled on January 6, 2012 at another pharmacy. On
3 January 28, 2012, Respondents filled RX #62258 from Dr. Shamlou for 180 tablets of oxycodone
4 30 mg (30 days supply), which was 8 days early. B.M. had RX #54442 from Dr. Arnold for 180
5 tablets of oxycodone 30 mg (30 days supply) filled on March 2, 2012 at another pharmacy. On
6 March 12, 2012, Respondents filled RX #64202 from Dr. Sison for 150 tablets of oxycodone 30
7 mg (30 days supply), which was 20 days early.

8 33. Patient N.E.: The PAR showed that N.E., from Castaic, obtained prescriptions for
9 oxycodone 30 mg from 6 doctors (ranging from Northridge to Modesto) and 4 pharmacies (all in
10 Valencia) between September 2009 and December 2012.

11 34. Patient J.O.: The PAR showed that J.O. had RX #348972 from Dr. Gatus for 90
12 tablets of oxycodone 30 mg (30 days supply) filled on January 7, 2011 at another pharmacy. On
13 January 10, 2011, Respondents filled RX #46863 from Dr. Borazjani for 100 tablets of oxycodone
14 30 mg (20 days supply), which was 23 days early. J.O. had RX #353146 from Dr. Gatus for 90
15 tablets of oxycodone 30 mg (30 days supply) filled on February 11, 2011 at another pharmacy.
16 On February 21, 2011, Respondents filled RX #48699 from Dr. Borazjani for 100 tablets of
17 oxycodone mg (15 day supply), which was 20 days early. On March 7, 2011, Respondents filled
18 RX #49276 from Dr. Borazjani for 100 tablets of oxycodone 30 mg (20 days supply). On March
19 11, 2011, J.O. had RX #356523 from Dr. Gatus for 90 tablets of oxycodone 30 mg (30 day
20 supply) filled at another pharmacy. J.O. now had a 50 day supply of oxycodone 30 mg in his
21 possession. On March 21, 2011, Respondents filled RX #49789 from Dr. Borazjani for 100
22 tablets of oxycodone 30 mg (20 days supply), which was 40 days early. On April 4, 2011,
23 Respondents filled RX #50328 from Dr. Borazjani for 100 tablets of oxycodone 30 mg (25 days
24 supply), which was 7 days early. On January 31, 2012, J.O. had RX #274305 from Dr. Emenike
25 for 150 tablets of oxycodone 30 mg (25 days supply) filled at another pharmacy. On February 13,
26 2012, Respondents filled RX #62922 from Dr. Gatus for 60 tablets of oxycodone 30 mg (30 days
27 supply), which was 12 days early.

1 The PAR also showed that J.O., from North Hollywood, went to 14 different pharmacies
2 (ranging from Simi Valley, Burbank, and Panorama City) and 9 different doctors (ranging from
3 Lancaster to Seal Beach) between November 2009 and February 2012.

4 35. Respondents filled prescriptions for controlled substances from the same several
5 doctors for patients from all areas of Southern California, which were delivered at the same time
6 by unidentified drivers without any patient consultation, as follows:

7 (a) On April 29, 2011, there were 12 sequential prescriptions from the offices of
8 Drs. Onubah, Garfinkel, and Lifson for oxycodone 30 mg, Percocet/Endocet 10/325, and Dilaudid
9 4 mg. Drs. Onubah, Garfinkel, and Lifson shared an office located at 7035 Reseda Blvd, Suite B
10 in Reseda, CA.¹ The patients were from locations ranging from Los Angeles, Canoga Park, and
11 Panorama City.

12 (b) On May 6, 2011, there were 14 prescriptions from the offices of Drs. Onubah,
13 Garfinkel, and Lifson for oxycodone 30 mg, Percocet/Endocet 10/325, and Dilaudid 4 mg. The
14 patients were from locations ranging from Los Angeles, Beverly Hills, and North Hollywood.

15 (c) On June 6, 2011, there were 20 prescriptions from the offices of Drs. Onubah,
16 Garfinkel, and Lifson for oxycodone 30 mg and Percocet/Endocet 10/325. The patients were
17 from locations ranging from Los Angeles, Rialto, Hacienda Heights, Gardena, California City,
18 Venice and Moreno Valley.

19 (d) On July 21, 2011, there were 17 prescriptions from the offices of Drs. Onubah,
20 Garfinkel, Lifson, and Salari (who also had an office located at 7035 Reseda Blvd, Suite B in
21 Reseda, CA) for oxycodone 30 mg, Percocet/Endocet 10/325, Norco 10/325, Lortab 10/500, and
22 Dilaudid 4 mg. The patients were from locations ranging from Los Angeles, North Hollywood,
23 Sylmar, South Pasadena, Mission Viejo, Palm Springs, and Norwalk.

24 (e) On August 16, 2011, there were 16 prescriptions from the offices of Drs.
25 Onubah, Garfinkel, Lifson, and Salari for oxycodone 30 mg, Percocet/Endocet 10/325, and
26 Dilaudid 4 mg. The patients were from locations ranging from Los Angeles Inglewood, Santa
27

28 ¹ Drs. Garfinkel and Lifson also maintained separate offices.

1 Monica, Pomona, Compton, Manhattan Beach, Paramount, and Glendale. Respondent Abergel
2 subsequently admitted to a Board Inspector that he was an "idiot" for filling prescriptions from
3 Drs. Onubah, Garfinkel, Lifson, and Salari.

4 (f) On January 30, 2012, there were 6 prescriptions from Dr. Arnold in Inglewood
5 for oxycodone 30 mg. The patients were from locations ranging from Compton, Long Beach, and
6 Los Angeles. Also on January 20, 2012, there were 6 prescriptions from Dr. Shamlou in Los
7 Angeles for 30 oxycodone 30 mg. The patients were from locations ranging from Northridge,
8 Mission Hills, and Sylmar. Both doctors gave the same dosage of oxycodone 30 mg for each of
9 their patients.

10 (g) On February 2, 2012, there were 11 prescriptions from Dr. Arnold for
11 oxycodone 30 mg. All of the patients had the same dosage.

12 (h) On February 9, 2012, there were 10 prescriptions from Dr. Charlap for
13 oxycodone 30 mg. The patients were from locations ranging from Los Angeles, Inglewood, Santa
14 Monica, and Sylmar.

15 SECOND CAUSE FOR DISCIPLINE

16 (Failure to Keep Complete Accountability)

17 36. Respondent Pharmacy and Respondent Abergel are subject to disciplinary action
18 under Code section 4301, subdivision (o), in conjunction with Code section 4081, subdivision (a),
19 California Code of Regulations, title 16, section 1718, and Code of Federal Regulations, title 21,
20 section 1304 et seq., on the grounds of unprofessional conduct in that Respondents failed to keep
21 a proper inventory of controlled substances and failed to account for all controlled substances in
22 Respondent Pharmacy. A Board Inspector audited Respondent Pharmacy's records from July 8,
23 2010 to December 18, 2012 regarding hydromorphone 4 mg, oxycodone 30 mg, and
24 oxycodone/acetaminophen 10/325 (generic and brand for all three drugs). The Board inspector
25 discovered that Respondent Pharmacy had an overage of 74 tablets of hydromorphone 4 mg, an
26 overage of 164 tablets of oxycodone 30 mg, and a shortage of 584 tablets of
27 oxycodone/acetaminophen 10/325.

28 ///

1 **THIRD CAUSE FOR DISCIPLINE**

2 **(Failure to Notify the Board of Loss of Controlled Substances)**

3 37. Respondent Pharmacy and Respondent Abergel are subject to disciplinary action
4 under Code section 4301, subdivision (o), in conjunction with California Code of Regulations,
5 title 16, section 1715.6, on the grounds of unprofessional conduct in that Respondents failed to
6 report the loss of 400 hydrocodone/apap tablets 5/500 strength, 200 hydrocodone/apap tablets
7 7.5/750 strength, 480 hydrocodone/apap tablets 10/650 strength, and 440 hydrocodone/apap
8 tablets 10/325 strength. The loss occurred on or about September 3, 2012. Respondents reported
9 the loss to the DEA but failed to report the loss to the Board within 30 days of its occurrence.

10 **OTHER MATTERS**

11 38. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit Number
12 PHY 50146 issued to The Druggist Inc., The Druggist Inc. shall be prohibited from serving as a
13 manager, administrator, owner, member, officer, director, associate, or partner of a licensee for
14 five years if Pharmacy Permit Number PHY 50146 is placed on probation or until Pharmacy
15 Permit Number PHY 50146 is reinstated if it is revoked.

16 35. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit Number
17 PHY 50146 issued to The Druggist Inc. while Joel Abergel has been an officer and owner and had
18 knowledge of or knowingly participated in any conduct for which the licensee was disciplined,
19 Joel Abergel shall be prohibited from serving as a manager, administrator, owner, member,
20 officer, director, associate, or partner of a licensee for five years if Pharmacy Permit Number PHY
21 50146 is placed on probation or until Pharmacy Permit Number PHY 50146 is reinstated if it is
22 revoked.

23 **DISCIPLINE CONSIDERATIONS**

24 39. To determine the degree of discipline, if any, to be imposed on Respondent Abergel,
25 Complainant alleges that on or about October 31, 2007, the Board of Pharmacy issued a Citation
26 to Respondent Abergel in Case No. CI 2007 34523 in the amount of \$4,000.00 for violating
27 California Code of Regulations, title 16, section 1714, subdivision (d) [theft policy]. That
28 Citation is now final and is incorporated by reference as if fully set forth.

1 PRAYER

2 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
3 and that following the hearing, the Board of Pharmacy issue a decision:

4 1. Revoking or suspending Pharmacy Permit Number PHY 50146 issued to The
5 Druggist, Inc.;

6 2. Revoking or suspending Pharmacist License Number RPH 41192 issued to Joel
7 Abergel aka Joelle Abergel;

8 3. Prohibiting The Druggist Inc. from serving as a manager, administrator, owner,
9 member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit
10 Number PHY 50146 is placed on probation or until Pharmacy Permit Number PHY 50146 is
11 reinstated if Pharmacy Permit Number 50146 issued to The Druggist Inc. is revoked;

12 4. Prohibiting Joel Abergel from serving as a manager, administrator, owner, member,
13 officer, director, associate, or partner of a licensee for five years if Pharmacy Permit Number PHY
14 50146 is placed on probation or until Pharmacy Permit Number PHY 50146 is reinstated if
15 Pharmacy Permit Number 50146 issued to The Druggist Inc. is revoked;

16 5. Ordering The Druggist, Inc. and Joel Abergel aka Joelle Abergel to pay the Board of
17 Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to
18 Business and Professions Code section 125.3; and

19 6. Taking such other and further action as deemed necessary and proper.
20

21 DATED: 5/3/16

Virginia Herold

22 VIRGINIA HEROLD
23 Executive Officer
24 Board of Pharmacy
25 Department of Consumer Affairs
26 State of California
27 Complainant
28

LA2014512855
51876443_2.doc